

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: **JOINTLY ADMINISTERED UNDER
CASE NO. 10-38652**

DUKE AND KING ACQUISITION CORP., Court File No. 10-38652

Debtors.

Court File Nos:

(includes:

Duke and King Missouri, LLC;

10-38653 (GFK)

Duke and King Missouri Holdings, Inc.;

10-38654 (GFK)

Duke and King Real Estate, LLC;

10-38655 (GFK)

DK Florida Holdings, Inc.)

10-38656 (GFK)

Chapter 11 Cases
Chief Judge Gregory F. Kishel

REPORT OF BALLOT TABULATION

A total of fifty-four (54) ballots were filed with the Clerk of Bankruptcy Court. Those ballots are summarized below.

Tabulation of Ballots

		<u>Votes</u>	<u>Claim Amounts</u>
Class 3	Accepting #	44	\$3,093,170.92
<i>General Unsecured Claims</i>	Rejecting #	0	\$0.00
	Percent Accepting	100%	100%
	Percent Rejecting	0%	0%

Uncounted Votes:

The following parties submitted a ballot accepting the Plan but did not have an allowed claim and were not entitled to vote:

Fairmont Area Chamber of Commerce

City of Delray Beach

Quad City Flooring LLC

Larry Richardson

Austin Utilities

Terry Bast

Mathew Stephens

Qualserv Corp

The following parties submitted a ballot rejecting the Plan but did not have an allowed claim and were not entitled to vote:

Ray S. Hawkins
Robert W. Claude

A copy of the Clerk's ballot summary is attached as Exhibit A. Ballots were counted as set out on Addendum to Report of Ballot Tabulation attached as Exhibit B.

The undersigned counsel certify under penalty of perjury that (1) they have examined the ballots in this case and that the report above is an accurate summary of those ballots to the best of their knowledge, information, and belief and (2) they consent to the filing of this Report of Ballot Tabulation with their electronic signatures.

September 23, 2011

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ATTORNEYS FOR THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS

EXHIBIT A

Case Number: 10-38652 **Case Title:** Duke and King Acquisition Corp **Chapter:** 11

Chapter 11 Ballot Register

Ballot No.	Date	Party	Class	Amount	Accept/Reject	Document
1	08/31/2011	FINKEN INC	3	206.0	ACCEPT	PDF
2	08/31/2011	LA ROCHE'S INC	3	170.0	ACCEPT	PDF
3	08/31/2011	FAIRMONT AREA CHAMBER OF COMMERCE	3	105.0	ACCEPT	PDF
4	08/31/2011	BRUCE NELSON PLUMBING AND HEATING SVC INC	3	1294.85	ACCEPT	PDF
5	08/31/2011	WOOD FAMILY LIMITED PARTNERSHIP	3	3100.0	ACCEPT	PDF
6	09/01/2011	BILL CHAFF	3	17250.0	ACCEPT	PDF
7	09/01/2011	BPS PRODUCTS INC	3	149.43	ACCEPT	PDF
8	09/01/2011	JOSEPH PHRAVER	3	110000.0	ACCEPT	PDF
9	09/02/2011	WALTER WHITED	3	34500.0	ACCEPT	PDF
10	09/02/2011	CENTRAL LAKES RESTAURANT SUPPLY	3	350.0	ACCEPT	PDF
11	09/02/2011	SERRAMONTE WESTBOROUGH ASSOCIATES	3	21240.0	ACCEPT	PDF
12	09/06/2011	PROTECTION ONE	3	1399.22	ACCEPT	PDF
13	09/06/2011	CITY OF DELRAY BEACH	3	320.05	ACCEPT	PDF
14	09/06/2011	ENVIROMATIC CORP	3	37437.7	ACCEPT	PDF
15	09/06/2011	QUAD CITY FLOORING LLC	3	600.0	ACCEPT	PDF
16	09/06/2011	INTERSTATE DISTRIBUTORS INC	3	1072.0	ACCEPT	PDF
17	09/06/2011	LEES REFRIGERATION	3	82.47	ACCEPT	PDF
18	09/06/2011	MOBK LLC	3	9803.45	ACCEPT	PDF
19	09/07/2011	CHAMPION CUTTING & SNOW CARE	3	830.22	ACCEPT	PDF

20	09/07/2011	LESLIE BRYANT	3	13250.0	ACCEPT	PDF
21	09/08/2011	T J GOODWIN	3	58.26	ACCEPT	PDF
22	09/09/2011	UNIVERSITY PARK DEVELOPMENT LLC	3	5690.97	ACCEPT	PDF
23	09/09/2011	JOSEPH E JURNECKA, TRUSTEE	3	223815.75	ACCEPT	PDF
24	09/09/2011	LARRY RICHARDSON	3	0.0	ACCEPT	PDF
25	09/12/2011	DMI MANUFACTURING INC	3	3201.65	ACCEPT	PDF
26	09/12/2011	RAY S HAWKINS	3	5000000.0	REJECT	PDF
27	09/12/2011	TRIPLE H PROPERTIES	3	53012.87	ACCEPT	PDF
28	09/12/2011	MARKS REDDI ROOTER	3	1258.25	ACCEPT	PDF
29	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	4547.23	ACCEPT	PDF
30	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	4758.59	ACCEPT	PDF
31	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	7710.0	ACCEPT	PDF
32	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	6458.92	ACCEPT	PDF
33	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	4410.0	ACCEPT	PDF
34	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	3142.27	ACCEPT	PDF
35	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	1250.92	ACCEPT	PDF
36	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	4089.04	ACCEPT	PDF
37	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	14907.0	ACCEPT	PDF
38	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	36547.44	ACCEPT	PDF
39	09/12/2011	DOKE PROPANE INC	3	1460.09	ACCEPT	PDF
40	09/12/2011	CLAIMS RECOVERY GROUP LLC	3	1868.51	ACCEPT	PDF
41	09/12/2011	DMI MANUFACTURING INC	3	1785.5	ACCEPT	PDF
42	09/13/2011	AUSTIN UTILITIES	3	8.53	ACCEPT	PDF

43	09/13/2011	CRESS REFRIGERATION INC	3	2443.07	ACCEPT	PDF
44	09/14/2011	QUINTINA BROWN	3	25000.0	ACCEPT	PDF
45	09/15/2011	TERRY BAST	3	4340.0	ACCEPT	PDF
46	09/15/2011	BRYAN ANDERSON	3	40575.0	ACCEPT	PDF
47	09/16/2011	PEGGY CHANG	3	1847971.4	ACCEPT	PDF
48	09/16/2011	JC ANDREWS LANDSCAPING	3	36000.0	ACCEPT	PDF
49	09/19/2011	SUNFLOWER SQUARE SHOPPING CENTER LLC	3	712550.48	ACCEPT	PDF
50	09/19/2011	MATHEW STEPHENS	3	57.46	ACCEPT	PDF
51	09/20/2011	LEGACY ENTERPRISES INC	3	204861.82	ACCEPT	PDF
52	09/20/2011	LEGACY ENTERPRISES INC	3	180201.05	ACCEPT	PDF
53	09/20/2011	QUALSERV CORP	3	991.27	ACCEPT	PDF
54	09/21/2011	ROBERT W CLAUDE	3	21477.86	REJECT	PDF

EXHIBIT B

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DUKE AND KING ACQUISITION CORP.,

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ADDENDUM TO REPORT OF BALLOT TABULATION

Counsel for the above-mentioned debtors and debtors-in-possession (the “Debtors”) and for the Official Committee of Unsecured Creditors (the “Committee”) have determined whether ballots should be counted and the appropriate dollar amount of each ballot according to the following rules:

Rule #1: Vote amounts must correspond to allowed claim amounts. As a general principle, counsel agree that ballots do not function as proofs of claim or otherwise modify claims. Because holders of claims are entitled to vote the amount of their allowed claims as of the time of voting, the ballot tabulation ignores the amount provided by the voter on the ballot and substitutes the current allowed amount of the claim. *In re Lisanti Foods, Inc.*, 329 B.R. 491, 505 (Bankr. D. N.J. 2005) (“[I]t was appropriate for the Trustee to tabulate votes and dollar amounts according to each creditor's allowed claim as opposed to the amount on the ballot.”)

With respect to the 44 ballots that were counted, no claims objections were filed and the current allowed amounts of claims are those indicated on the voters' proof of claim forms or the Debtors' schedules, if the voter did not file a proof of claim. In adjusting the amounts voted by the ballot, the dollar amount of claims accepting the plan is reduced by \$588,539.62. (The face amounts of the accepting ballots total \$3,681,710.54 and the total amount counted on the ballot report is \$3,093,170.92.)

Rule #2: A ballot must be supported by an allowed claim. The Bankruptcy Code provides that "the holder of a claim or interest allowed under section 502 of this title may accept or reject a plan." 11 U.S.C. § 1126(a). A claim or interest is deemed allowed for voting purposes if scheduled or filed on a proof of claim and without objection. In this case, all creditors whose votes were counted had filed proofs of claim and the amounts claimed constitute currently allowed claims. 11 U.S.C. § 502(a). Nine parties submitted ballots that were not supported by either a claim listed the Debtors' schedules or a filed proof of claim form, therefore they were not counted. One party cast a ballot on account of a claim to which the Committee subsequently objected. That claim is no longer an allowed claim.

Applying these two rules, the individual ballots have been tabulated as follows:

Forty-Four ballots were counted:

Ballot No.		Party	Ballot Amount	Debtors' Schedules	Proof of Claim Amt	Allowed Amount
1	ACCEPT	FINKEN INC	206.00	206.00	206.00	206.00
2	ACCEPT	LA ROCHE'S INC	170.00	170.00	None	170.00
4	ACCEPT	BRUCE NELSON PLUMBING AND HEATING SVC INC	1,294.85	None	1,294.85	1,294.85
5	ACCEPT	WOOD FAMILY LIMITED P'SHIP	3,100.00	3,100.00	None	3,100.00
6	ACCEPT	BILL CHAFF	17,250.00	17,250.00	None	17,250.00
7	ACCEPT	BPS PRODUCTS INC	149.43	49.95	149.43	149.43
8	ACCEPT	JOSEPH PHRAVER (Phraner)	110,000.00	112,500.00	None	112,500.00
9	ACCEPT	WALTER WHITED	34,500.00	34,500.00	None	34,500.00
10	ACCEPT	CENTRAL LAKES RESTAURANT SUPPLY	350.00	None	414.66	414.66

Ballot No.		Party	Ballot Amount	Debtors' Schedules	Proof of Claim Amt	Allowed Amount
11	ACCEPT	SERRAMONTE WESTBOROUGH ASSOCIATES	21,240.00	None	21,240.00	21,240.00
12	ACCEPT	PROTECTION ONE	1,399.22	None	1,399.22	1,399.22
14	ACCEPT	ENVIROMATIC CORP	37,437.70	29,729.16	37,437.70	37,437.70
16	ACCEPT	INTERSTATE DISTRIBUTORS INC	1,072.00	None	1,082.00	1,082.00
17	ACCEPT	LEES REFRIGERATION	82.47	None	82.47	82.47
18	ACCEPT	MOBK LLC	9,803.45	9,803.45	9,803.45	9,803.45
19	ACCEPT	CHAMPION CUTTING & SNOW CARE	830.22	551.69	830.22	830.22
20	ACCEPT	LESLIE BRYANT	13,250.00	13,520.00	13,250.00	13,250.00
21	ACCEPT	T J GOODWIN	58.26	None	58.26	58.26
22	ACCEPT	UNIVERSITY PARK DEVELOPMENT LLC	5,690.97	None	5,690.97	5,690.97
23	ACCEPT	JOSEPH E JURNECKA, TRUSTEE	223,815.75	5,075.00	5,075.00	5,075.00
25	ACCEPT	DMI MANUFACTURING INC	3,201.65	10,079.47	6,861.38	6,861.38
27	ACCEPT	TRIPLE H PROPERTIES	53,012.87	None	51,228.03	51,228.03
28	ACCEPT	MARKS REDDI ROOTER	1,258.25	855.00	None	855.00
29	ACCEPT	CLAIMS RECOVERY GROUP LLC Larson Heating dba Steensland Inc.	4,547.23	None	4,547.23	4,547.23
30	ACCEPT	CLAIMS RECOVERY GROUP LLC Marmic Fire & Safety	4,758.59	4,497.03	4,758.59	4,758.59
31	ACCEPT	CLAIMS RECOVERY GROUP LLC Michael Best & Friedrich	7,710.00	None	7,710.00	7,710.00
32	ACCEPT	CLAIMS RECOVERY GROUP LLC Northern Mechanical Inc.	6,458.92	6,458.92	None	6,458.92
33	ACCEPT	CLAIMS RECOVERY GROUP LLC Rieff Schramm & Kanter	4,410.00	4,410.00	4,410.00	4,410.00
34	ACCEPT	CLAIMS RECOVERY GROUP LLC Service All Stove & Range Inc.	3,142.27	3,142.27	None	3,142.27
35	ACCEPT	CLAIMS RECOVERY GROUP LLC Connelly Plumbing Co.	1,250.92	1,250.92	1,665.00	1,665.00
36	ACCEPT	CLAIMS RECOVERY GROUP LLC Cypress Commercial Inc.	4,089.04	3,577.11	4,089.04	4,089.04
37	ACCEPT	CLAIMS RECOVERY GROUP LLC Expense Reduction Analysts	14,907.00	14907.0	14,907.00	14,907.00
38	ACCEPT	CLAIMS RECOVERY GROUP LLC Gilbert Mechanical Contractors Inc.	36,547.44	38,624.96	36,547.44	36,547.44
39	ACCEPT	DOKE PROPANE INC	1,460.09	1,460.09	None	1,460.09
40	ACCEPT	CLAIMS RECOVERY GROUP LLC Joplin Fire Protection Co.	1,868.51	1868.51	1,868.51	1,868.51
41	ACCEPT	DMI MANUFACTURING INC	1,785.50	None	1,785.50	1,785.50
43	ACCEPT	CRESS REFRIGERATION INC	2,443.07	None	2,443.07	2,443.07
44	ACCEPT	QUINTINA BROWN	25,000.00	None	25,000.00	25,000.00
46	ACCEPT	BRYAN ANDERSON	40,575.00	40,575.00	None	40,575.00
47	ACCEPT	PEGGY CHANG	1,847,971.00	None	1,847,971.40	1,847,971.40
48	ACCEPT	JC ANDREWS LANDSCAPING	36,000.00	None	36,000.00	36,000.00

Ballot No.		Party	Ballot Amount	Debtors' Schedules	Proof of Claim Amt	Allowed Amount
49	ACCEPT	SUNFLOWER SQUARE SHOPPING CENTER LLC	712,550.00	None	347,891.54	347,891.54
51	ACCEPT	LEGACY ENTERPRISES INC	204,861.82	None	204,861.82	204,861.82
52	ACCEPT	LEGACY ENTERPRISES INC	180,201.05	21,677.60	180,201.05	180,201.05
Total			3,681,710.54		Total	3,093,170.92
					Votes	44

Nine ballots were not counted because they were not supported by allowed claims:

Ballot No.		Party	Vote Amount	Debtors' Schedules	Proof of Claim Amt	Allowed Amount
3	ACCEPT	FAIRMONT AREA CHAMBER OF COMMERCE	105.00	None	None	0.00
13	ACCEPT	CITY OF DELRAY BEACH	320.05	None	None	0.00
15	ACCEPT	QUAD CITY FLOORING LLC	600.00	None	None	0.00
24	ACCEPT	LARRY RICHARDSON	0.00	None	None	0.00
42	ACCEPT	AUSTIN UTILITIES	8.53	None	None	0.00
45	ACCEPT	TERRY BAST	4,340.00	None	None	0.00
50	ACCEPT	MATHEW STEPHENS	57.46	None	None	0.00
53	ACCEPT	QUALSERV CORP	991.27	None	None	0.00
54	REJECT	ROBERT W. CLAUDE	21,477.86	None	None	0.00

One ballot was not counted because it is subject to a claim objection by the Committee:

Ballot No.		Party	Vote Amount	Debtors' Schedules	Proof of Claim Amt	Allowed Amount
26	REJECT	RAY S HAWKINS	5,000,000.00	None	100,000.00	0.00

September 23, 2011

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